



McGirt v. Oklahoma: Understanding the Implications of the Recent Supreme Court Decision

In *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), the United States Supreme Court overturned an Oklahoma state court criminal conviction of a Native American for lack of jurisdiction because the crime had occurred within Indian country, where the defendant would be subject to federal, not state, criminal jurisdiction. Central to the Court's resolution of the case was whether the historic reservation of the Muskogee (Creek) Nation (where the crime occurred) still exists today as a legal reservation, and hence "Indian country" under the federal criminal jurisdiction statute at issue. In finding that the Creek Reservation continues to exist as a legal reservation, the Court articulated a wide range of important principles critical to determining reservation and Indian country status, particularly where that status has become uncertain as a result of social and legal developments over long periods of time. Michigan has a significant Native American population and substantial areas of Indian country throughout the State, including areas where the "Indian country" status of those lands may be subject to some uncertainty. And questions arising in those contexts are often questions arising under federal law. The Court's decision in *McGirt* is therefore a critical resource (and governing authority) for state courts in navigating such issues in the criminal context. And because the "Indian country" analysis is also used in many civil contexts, the *McGirt* decision is potentially highly relevant to state courts in that context as well.

- **May 10, 2021 12:00 - 1:00 p.m.**
- **Event sponsored by the Tribal State Federal Judicial Forum Training Committee**
- **Presentation by Riyaz Kanji ([bio](#)), lead counsel on brief and at argument for *McGirt v. Oklahoma* (2020), who successfully defended the legal validity of the Nation's 1866 reservation boundaries before the US Supreme Court.**

To access this webinar, you must register by clicking [HERE](#). After registration is complete, you will receive a confirmation e-mail from Zoom with your personal link to join the webinar. We strongly suggest that you do not forward your Zoom confirmation e-mail for use by another individual.

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